



An  
Bord  
Pleanála

## Inspector's Report ABP312556-22

<b>Development</b>	Ground floor side extension, additional side access, widen front access, dish driveway and associated works.
<b>Location</b>	1 Sundale Close, Tallaght, Dublin 24.
<b>Planning Authority</b>	South Dublin County Council
<b>Planning Authority Reg. Ref.</b>	SD21B/0268
<b>Applicant(s)</b>	Ewa Berthold
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant with conditions
<b>Type of Appeal</b>	First Party V Conditions
<b>Appellant(s)</b>	Ewa Berthold
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	12 <sup>th</sup> March 2022
<b>Inspector</b>	Hugh Mannion.

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## 1.0 Site Location and Description

- 1.1. The application site has a stated area of 360m<sup>2</sup> and comprises a two storey end of terrace house at 1 Sundale Close, Tallaght, County Dublin. Sundale Close has 76 two storey houses with front and rear gardens. Sundale Close and the immediate area is residential in character and accesses Fortunestown Road which links to the N81.

## 2.0 Proposed Development

- 2.1. The proposed development comprises amendments to the house as follow.
- A ground floor side extension
  - Widening the driveway and entrance and new pavement dish to the front
  - New access and pavement dish to the side.
- 2.2. At 1 Sundale Close, Tallaght, County Dublin

## 3.0 Planning Authority Decision

### 3.1. Decision

Grant permission with conditions.

#### Condition 2

Prior to commencement of development the applicant/owner or developer shall submit the following for the written agreement of the planning authority revised plans that incorporate all of the following amendments: The extension shall be re-sited to ensure that a separation distance from the southern boundary of a minimum of 1m unless otherwise agreed in writing with the planning authority.

**Reason:** To provide adequate set back from surface water infrastructure in the interest of public health and proper planning to allow for access for emergency maintenance purposes or in the event that the sewer required replacing.

## **Condition 4**

**Condition 4 (c) Drainage (1)** The water supply and drainage infrastructure, shall comply with the requirements of Irish Water.

**Reason:** In the interest of public health.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The planner's report recommended a grant of permission as set out in the manager's order.

Initially the planning authority requested further information in relation to;

- Setting back the proposed extension 3m from a surface water sewer in the footpath along the site boundary.
- The additional vehicular access to the rear garden may compromise pedestrian safety. Amended plans should be submitted to omit the second access and provide for bin storage in the front garden.
- A partly constructed shed should be included in this application.

3.3. The applicant submitted further information in relation to the set back from the surface water sewer. The Water Services section recommended refusal because the setback distance remained at 2.1m not the required 3m.

3.4. The second vehicular access was omitted and the shed under construction was included in the site layout drawings dated 9<sup>th</sup> July 2021 and submitted on the 30<sup>th</sup> August 2022.

3.5. On the 28<sup>th</sup> September 2021 the planning authority sought clarification of further information in relation to the set back from the surface water sewer.

#### **3.5.1. Other Technical Reports**

**Water Services** section reported that there is a surface water sewer parallel to the southern boundary on site. The application should be revised to keep a 3m wayleave between the sewer and the proposed extension.

**Irish Water** had no objection subject to conditions.

**Roads Department** recommended against the second vehicular entrance on ground of visibility when exiting over the footpath and pedestrian safety.

#### 4.0 **Planning History**

None relevant.

#### 5.0 **Policy and Context**

##### 5.1. **Development Plan**

5.2. The site is in an area zoned 'RSS'- 'to protect and or improve residential amenity' in the in the Dublin South County Council Development Plan 2016 to 2022.

##### 5.3. **Natural Heritage Designations**

Not relevant.

##### 5.4. **EIA Preliminary Examination**

5.5. Having regard to the modest scale and domestic nature of the proposed development and the likely emissions therefrom it is possible to exclude the necessity for submission of an EIAR at a preliminary stage.

#### 6.0 **The Appeal**

##### 6.1. **Grounds of Appeal**

- The appeal relates only to condition 2 and condition 4(1)(c).
- **Condition 2** is unnecessary and confusing. The applicant has contacted the planning authority to agree an alternative but has been unable to do so.
- The planning authority agrees that the proposed extension is, overall, acceptable. There are other examples where developments have been undertaken close to sewers. Irish Water has agreed that the development is

acceptable in proximity to a foul sewer – it is unreasonable for the planning authority to object to development close to a surface water sewer.

- **Condition 4 (c) Drainage (1)** requires that the water supply and drainage infrastructure, shall comply with the requirements of Irish Water. This condition should be omitted as the applicant hopes to come to an agreement with the planning authority and Irish Water on this condition and condition 1.

## 6.2. Planning Authority Response

- None

## 6.3. Observations

- None

## 6.4. Further Responses

- None.

## 7.0 Assessment

### 7.1. Condition 2

### 7.2. Condition 2 states:

*Prior to commencement of development the applicant/owner or developer shall submit the following for the written agreement of the planning authority revised plans that incorporate all of the following amendments: The extension shall be re-sited to ensure that a separation distance from the southern boundary of a minimum of 1m unless otherwise agreed in writing with the planning authority.*

**Reason:** *To provide adequate set back from surface water infrastructure in the interest of public health and proper planning to allow for access emergency maintenance purposes or in the event that the sewer required replacing.*

- 7.3. The appeal makes the point that Irish Water has agreed that the proposed extension can be as set out in the lodged plans and located closer to the foul sewer that the

standard 3m. If this is adequate for a foul sewer it should be adequate for a surface water sewer.

- 7.4. I note the letter from Irish Water which agrees to a setback of 2.25m.
- 7.5. Irish Water has statutory responsibility for foul drainage while the planning authority has responsibility for surface water infrastructure. The planning authority afforded to the applicant an opportunity in this case to set back the proposed extension 3m from the surface water sewer (additional circa 75cm.) laid in the adjoining footpath and the applicant did not do so. The planning authority seeks to protect the integrity of the surface water sewer and access to it for maintenance. These are reasonable objectives and in the interests of public health and ensuring that surface water flooding is avoided. I conclude that the planning authority's condition is reasonable and in the interests of public health and the proper planning and sustainable development of the area.
- 7.6. I recommend that condition 2 be attached.
- 7.7. **Condition 4**
- 7.8. **Condition 4 (c) Drainage (1)** states that *the water supply and drainage infrastructure, shall comply with the requirements of Irish Water.*
- 7.9. The applicant makes the point that Irish Water has already approved the application and that this condition should be removed.
- 7.10. Conditions such as this, that relate to the connection to public piped services, are attached to grants of planning permission to allow planning authorities to manage development within their administrative areas in a manner that accords with the provisions of the County Development Plan and, as in this instance, the interests of public health.
- 7.11. I conclude that attaching this condition is justified and in the interest of public health and the proper planning and sustainable development of the area.
- 7.12. **Principle of Development.**
- 7.13. Having regard to the nature of the proposed development as a domestic extension to a permitted residential use in an appropriately zoned area I consider that there are no other matters which the Board need consider over and above the points raised in the applicant's appeal.

#### 7.14. **AA Screening**

- 7.15. Having regard to the nature and scale of the proposed development, nature of the receiving environment and distance to the nearest European site, I am satisfied that no appropriate assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

### 8.0 **Recommendation**

- 8.1. I recommend attaching conditions 2 and 4(1)(c).

### 9.0 **Reasons and Considerations**

Conditions 2 and 4(1)(c) require the applicant to carry the proposed development in a manner that is consistent with the protection of public piped infrastructure which is in the interests of public health. These conditions and the purposes for which they have been imposed by the planning authority are reasonable and in the interests of the proper planning and sustainable development of the area.

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Hugh Mannion  
Senior Planning Inspector

14<sup>th</sup> March 2022.